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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,404	08/11/2006	Jun Kawakubo	96790P552	8228
8791 7590 11/10/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
SCHATZ, CHRISTOPHER T				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
11/10/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/589,404

Applicant(s)

KAWAKUBO ET AL.

Examiner

CHRISTOPHER SCHATZ

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/08)  
Paper No(s)/Mail Date 7/7/09; 6/23/08; 8/11/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group I, Species A, claims 1-8 and 10 in the reply filed on 07/07/2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 9 and 11 are withdrawn as being directed to a non-elected invention

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP-290340, cited in IDS and herein referred to as Nikon) in view of Arai et al. (WO 01/62439 - see US 6918822 for English equivalent) and Toshiya et al. (JP 2003-071691, cited in IDS).

Nikon discloses a device comprising: a loading table (centering device) which is capable of receiving an optical lens with a concave surface thereof facing up; a centering device capable of causing a geometric center of the optical lens to coincide with a center of said loading table; and a moving device which moves the optical lens to a block position (see section 0002-0008 of attached machine translation). Although it is not clear if Nikon discloses a lens holding tool, the purpose of the centering device is to center a lens to be attached to a holding tool for the purpose of machining a non-attached surface of said lens, and it would have been obvious to one of ordinary skill in the art modify Nikon with a holding tool which is capable of having a lens bonded thereto. Such a tool in conjunction with a centering device is known in the art as disclosed by Arai (figure 13, discussion of figure 13, column 10, lines 7-59).

It is not clear if Nikon discloses a dripping device for dripping a bonding agent on a concave surface of an optical lens. However, Toshiya discloses an apparatus capable of attaching a lens to a holding tool, said apparatus further comprising a dripping device 40, 40a for dripping a bonding agent onto a surface (figures 1 and 3; section 0046 of attached machine translation). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the apparatus of Nikon as modified

by Arai such that said apparatus further comprises a dripping device as taught by Toshiya as doing such enables the apparatus to better adhere a lens to a holding tool.

As to claim 4, Arai discloses a loading table swingably supported by support means and a moving device capable of moving a table into a block position (figure 13 above cited text). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the apparatus of Nikon such that the table is swingably supported by support mean and said table can be moved by a moving device upward towards the holding tool as taught by Arai. Such a modification enables the apparatus to provide better control during the attaching of a lens to a holding tool.

As to claim 5, Toshiya discloses a gap setting device capable of moving a lens holding tool and an optical lens relatively toward each other to set a predetermined gap such a binding agents is spread (section 0023 – process of measuring a height position). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the apparatus of Nikon as modified by Arai such that said apparatus comprises a gap setting device as taught by Toshiya as doing such enables the apparatus to form a better bond between the holding tool and a lens.

As to claim 6, Toshiya discloses an apparatus capable of calculating a dripping amount of bonding agent to be dripped by said dripping device onto the optical lens, said amount calculated from at least one of a thickness of a peripheral edge portion of the bonding agent after spreading, a diameter of said lens holding tool, a radius of curvature of a blocking surface, a diameter of the optical lens, a radius of curvature of

the concave surface, and a gap between said lens holding tool and the optical lens (sections 56 and 77-82).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nikon, Arai and Toshiya as applied to claims 1 and 5 above, and further in view of Tsujino et al. (US 5362428).

It is not clear if Toshiya discloses a dripping device that comprises a gear pump and drive for driving said gear pump intermittently. Tsujino discloses an apparatus for applying a resin to a curved glass comprising a gear pump for controlling the amount of resin wherein said gear pump is capable of being driven intermittently (column 8, lines 35-56 and column 9, lines 34-61). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Nikon, Arai and Toshiya such that the dripping device comprises a gear pump as taught by Tsujino as doing such enables the apparatus to control the amount of bonding agent dispensed in a highly effective manner (see above cited text of Tsujino).

6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nikon, Arai and Toshiya as applied to claim 1 above, and further in view of Belly et al. (20030214058).

As to claim 2, Belly discloses positioning pins (pegs section 0129) with a locking portion 33. The pegs enable the apparatus to properly center lenses of varying thicknesses and curvatures. At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the apparatus of Nikon such that said

apparatus comprises pins as part of the centering device in order to achieve the advantages discussed above. In the apparatus of Nikon as modified by Belly, the pins are capable of moving in the radial and circumferential direction. As to claim 3, Nikon discloses that said centering device comprises a clamp base 11 which surrounds said loading table, a rotary base which is rotatably built into said clamp base, a driving device which pivots said rotary base, a plurality of stationary shafts 23 which project on said clamp base, a plurality of clamp members 21 which are pivotally supported by said stationary shafts, respectively, a plurality of moving shafts 25 which project on said rotary base and extend through respective elongated holes 21a in said clamp members and pivot said clamp members respectively toward said loading table during centering of the optical lens (see figures 4 and 5 and above cited text). Belly discloses pins as discussed above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the pins of Belly on the clamp members of Nikon as discussed above.

***Allowable Subject Matter***

7. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not disclose device capable of calculating a gap or an amount of adhesive using the equations claimed by the applicant.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is 571-272-6038. The examiner can normally be reached on Monday through Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER SCHATZ/  
Examiner, Art Unit 1791

/Richard Crispino/  
Supervisory Patent Examiner, Art Unit 1791